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Report of the United Nations High Commissioner for Human Rights

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Supplement No.36 (A/49/36)

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NOTE

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I. INTRODUCTION

1. At its forty-eighth session, the General Assembly, in its resolution 48/141 of 20 December 1993, decided to create the post of United Nations High Commissioner for Human Rights. On 14 February 1994 and pursuant to the terms of resolution 48/141, the Assembly confirmed the Secretary-General's nomination of Mr. José Ayala Lasso as first United Nations High Commissioner for Human Rights. On 5 April 1994, the High Commissioner took up his functions at Geneva. In accordance with paragraph 5 of resolution 48/141, the High Commissioner is to report annually on his activities to the Commission on Human Rights and, through the Economic and Social Council, to the Assembly. Given the short period since he assumed his responsibilities, the High Commissioner reported orally on his initial activities to the Council at its session of 1994. An informal paper containing more detailed information on the High Commissioner's initial activities was made available to the Council to supplement the oral report. The present report is submitted to the Assembly pursuant to resolution 48/141.

II. MANDATE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. In its resolution 48/141, the General Assembly decided that the United Nations High Commissioner for Human Rights would be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General, and defined a number of specific responsibilities of the High Commissioner, within the framework of the overall competence, authority and decisions of the Assembly, the Economic and Social Council and the Commission on Human Rights.

3. Pursuant to that resolution, the High Commissioner is responsible for promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights; promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose; providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, at the request of the State concerned and, where appropriate, regional organizations; coordinating relevant United Nations education and public information programmes in the field of human rights; playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action; 1/ engaging in a dialogue with all Governments in the implementation of his mandate with a view to securing respect for all human rights; and carrying out the tasks assigned to him by the competent bodies of the United Nations system in the field of human rights and making recommendations to them with a view to improving the promotion and protection of all human rights.

4. The High Commissioner is also responsible for enhancing international cooperation for the promotion and protection of all human rights; coordination of the human rights promotion and protection activities throughout the United Nations system; and for the rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness. An important element in the mandate of the High Commissioner is responsibility for the overall supervision of the Centre for Human Rights. The High Commissioner and the Centre, as the principal unit of the Secretariat dealing with human rights issues, are a unity whereby the High Commissioner sets the policy directions and the priority of action and the Centre implements those policies.

5. In its resolution 48/141, the General Assembly also provides that the High Commissioner is to carry out his duties in an impartial, objective, non-selective and effective manner within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights (resolution 217 A (III)) and other international instruments of human rights and international law. The High Commissioner is to be guided by the recognition that all human rights - civil, cultural, economic, political and social - are universal, indivisible, interdependent and interrelated, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In providing that guidance, the Assembly recognized the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right

to development, as established in the Declaration on the Right to Development (resolution 41/128, annex).

6. The establishment of the post of United Nations High Commissioner for Human Rights is a dream almost as old as the United Nations. Its realization is a result of the consensus reached at the World Conference on Human Rights on approaching the sensitive issue of human rights from a global perspective and on seeking global solutions to human rights problems. This "spirit of Vienna" flourished in the Declaration and Programme of Action adopted by the World Conference, whose contents offer both vision and guidance. The spirit of Vienna, which reflects a new stage in the consideration of human rights issues by the international community, made it possible for the General Assembly to agree to create the post of High Commissioner and to give the High Commissioner a broad mandate. The High Commissioner has reaffirmed his intention to preserve and constantly strengthen that spirit of international cooperation and human solidarity so that the sensitive tasks entrusted to him can be dealt with effectively.

7. The States Members of the United Nations, in creating by consensus the post of High Commissioner, endowed it with unprecedented moral and political authority to express, in this area, the voice of the moral conscience of mankind. That moral and political authority must be constantly strengthened. The weight of the responsibilities inherent in the post of High Commissioner can be measured by the unparalleled degree of confidence placed in the Office by the Member States and by the degree of acceptance shown by the specialized agencies, regional organizations, national institutions, non-governmental organizations and by the voices of women, men and children from all over the world who have conveyed to him their hope for better enjoyment of their human rights.

8. The High Commissioner has committed himself to carry out his functions with strict respect for the mandate, framework and guidance provided by the General Assembly and with the sole objective of improving respect for all human rights for every person in the world. The High Commissioner bases his actions on three main principles: cooperation at all levels; a comprehensive and integrated approach to the promotion of human rights; and the participation of all actors in programmes, plans and projects to promote human rights on the international, national and local levels. Those principles must be put into practice in a spirit of dialogue, consensus and solidarity. Cooperation is essential in identifying problems, devising appropriate solutions and finding the resources necessary to put them into effect, and is based on the observance of international principles and standards relating to human rights and on the commitment to promote their respect for all individuals. The comprehensive and integrated approach to human rights means that those rights are understood to be universal, indivisible, interdependent and interrelated, which enables all civil, cultural, economic, political and social rights, as well as the right to development, to be dealt with on an equal footing and in a fair and even-handed manner. Finally, participation by all concerned in the design, implementation and evaluation of programmes and projects is essential if the needs and aspirations of the people concerned are to be met. Here, the call by the Vienna Declaration for non-governmental organizations and grass-roots organizations active in development and human rights to play a major role in implementing the right to development on all levels sets an important goal.

9. Since it was established in 1945, the United Nations has elaborated a comprehensive body of international human rights standards and put into place a complex system of international supervision of national respect for those standards, which provide the High Commissioner with a solid foundation on which

to build his own specific activities. The Office of the High Commissioner was not intended to replace or duplicate the existing mechanisms. Rather, the High Commissioner is charged with using the tools of diplomacy to establish a dialogue with Governments in order to secure respect for all human rights and to provide needed assistance. Of course, those new methods are backed up by the ongoing work of the United Nations human rights system.

Vienna Declaration and Programme of Action

10. The Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, 1/ is a true turning-point in the efforts of the United Nations to promote and protect human rights. The Organization now has an agreed framework of action, agreed objectives and agreed means to achieve the Charter's purposes in human rights. The United Nations system as a whole, as well as Governments, regional organizations, national institutions and non-governmental organizations, have their own responsibilities for reaching those objectives. The establishment of the post of the United Nations High Commissioner for Human Rights is a direct result of the Vienna consensus and carries a special responsibility for achieving the broad range of objectives in human rights set forth in that Declaration.

11. The historic potentials of the Vienna Declaration and Programme of Action can only be fully realized through the coordinated efforts of Governments, international organizations and human rights bodies, national human rights institutions and non-governmental organizations. With that in mind and in order to encourage implementation of the Vienna Declaration and Programme of Action, the High Commissioner, in a joint letter with the President of the World Conference, requested Governments to transmit information to him on the national implementation of that document. The High Commissioner also addressed requests for information on the implementation of the Vienna Declaration and Programme of Action to United Nations agencies and programmes, regional organizations, national institutions and non-governmental organizations. The information and suggestions received pursuant to those requests will be important in guiding future activities aimed at implementing the recommendations of the World Conference.

12. The High Commissioner, during the first months of his mandate, has been able to contribute to the realization of the Vienna Declaration and Programme of Action in a number of areas described in the present report. The guidance of the General Assembly on the implementation of the Vienna Declaration by the Third Committee and its Working Group will be most important contributions to the future work of the High Commissioner. In addition, the detailed plan of activities worked out for the implementation of the Vienna Declaration and Programme of Action with the contributions of the United Nations specialized agencies and programmes is an important basis for progress and the High Commissioner will give priority to the implementation of those activities (see the report of the Secretary-General on the implementation of the Vienna Declaration and Programme of Action (A/49/668)).

III. ACTIVITIES OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (APRIL TO OCTOBER 1994)

13. A key element in the High Commissioner's mandate as set out by the General Assembly is the responsibility of engaging in a dialogue with all Governments with a view to securing respect for all human rights. To ensure that his actions are effective, the High Commissioner must have the support and cooperation of Governments. Thus, the High Commissioner, upon his election, invited all Governments without exception to open wide their doors to him in friendship in order to begin a frank dialogue, without conditions or prejudices, for the purpose of the promotion, protection and the effective enjoyment of all human rights by all.

14. The response to that call has been very encouraging. So far the High Commissioner has made official visits to Switzerland as host country, Austria, Bhutan, Burundi, Cambodia, Denmark, Estonia, Finland, Germany, Japan, Latvia, Lithuania, Malawi, Nepal, Norway, the Republic of Korea, Rwanda and Sweden. In each country the High Commissioner underlined the fact that in his visit he was implementing the General Assembly's request to maintain contact with all Governments to discuss the promotion and protection of human rights. The framework of his visits was one of dialogue aimed at the largest possible realization of human rights and he was not carrying out an investigation nor substituting himself for existing mechanisms. During those visits the High Commissioner urged ratification of outstanding human rights treaties and discussed strengthening national implementation of human rights through the preparation of national plans of action, the establishment of national institutions such as human rights commissions and ombudsmen, and the promotion of human rights education. The High Commissioner stressed the need to promote and protect economic, social and cultural rights, and to consider the impact of various policies on those rights, especially for the most vulnerable groups in society. The High Commissioner also stressed the need to promote implementation of the right to development. The High Commissioner also raised issues relating to the promotion of the rights of women, the status of minorities and non-citizens, reviewing national legislation to ensure its conformity with international standards, the legal status of refugees and asylum seekers, and the protection of the rights of children. He also stressed the need for strengthening international cooperation in human rights and discussed support for the United Nations human rights programme.

15. The High Commissioner has paid special attention to the rise in xenophobia and new forms of racial and ethnic discrimination and to reported attacks on migrant workers, immigrants, asylum seekers and refugees. He received assurances that the authorities concerned were determined to take the necessary measures to deal with such manifestations. In that context, the European Union's declaration on the subject adopted at the Corfu summit in June 1994 is to be welcomed. The High Commissioner also raised human rights problems or cases that received positive reactions. The High Commissioner, in addition to government officials, met and exchanged views with members of parliament, national institutions, the academic community, non-governmental organizations, representatives of minority groups, indigenous populations and the press. In several instances, the High Commissioner discussed the establishment or strengthening, in consultation with Governments, of the advisory service programmes in the field of human rights provided by the Centre for Human Rights.

16. The High Commissioner took the initiative to visit Rwanda within the framework of his activities to help bring an end to the massive violations of

human rights in that country. He has visited that country twice. The High Commissioner also visited Burundi twice to provide assistance in preserving respect for human rights and preventing large-scale violations. More information on those activities is contained in paragraphs 48 to 59 (Rwanda) and 60 to 66 (Burundi).

17. In connection with his responsibilities to promote international cooperation in human rights and further inter-agency coordination, the High Commissioner took part in the session of the Administrative Committee on Coordination and in the tripartite meeting of the Council of Europe, the Conference on Security and Cooperation in Europe (CSCE) and Geneva-based United Nations programmes, both held at Geneva, on 11 and 12 April and 1 September 1994, respectively. The High Commissioner also addressed the meeting of special rapporteurs/representatives/experts and chairpersons of working groups established by the Commission on Human Rights, held at Geneva from 30 May to 1 June 1994, and the meeting of chairpersons of treaty-based bodies, from 19 to 23 September 1994.

18. The High Commissioner addressed the Economic and Social Council during its first regular session of 1994. It is the High Commissioner's policy to meet and establish a permanent dialogue with all human rights organs, including the various treaty monitoring bodies, the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the various working groups they have established. He also meets with special rapporteurs and special representatives of those bodies.

19. The High Commissioner also took part in international meetings such as the 92nd Conference of the Interparliamentary Union, held at Copenhagen on 13 September 1994, and the XIXth Round Table on Contemporary Problems of International Humanitarian Law, held at San Remo, Italy, on 30 August 1994. On 3 October, he made a statement to the 45th session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its forty-fifth session; he has also addressed, inter alia, the nineteenth Conference of Non-governmental Organizations in Consultative Status with the Economic and Social Council, and the Regional Conference of European United Nations Associations. The High Commissioner for Human Rights has constantly been open to the media both at Geneva and during his missions. He has granted a large number of interviews to television, radio and to the written media.

IV. ENHANCING INTERNATIONAL COOPERATION AND COORDINATION OF HUMAN RIGHTS ACTIVITIES

20. The High Commissioner has the important responsibility of enhancing international cooperation in the field of human rights and coordinating human rights promotion and protection activities throughout the United Nations system. This reflects the conclusion of the World Conference on Human Rights that the United Nations, other international organizations, national human rights institutions and non-governmental organizations all have important contributions to make to promoting human rights and that cooperation and coordination among those bodies is essential for achieving the purposes of the United Nations in human rights.

A. Administrative Committee on Coordination

21. As the United Nations official with principal responsibility for United Nations human rights activities, the High Commissioner attaches special importance to the coordination of United Nations system-wide activities.

22. The World Conference set a number of objectives for action by the United Nations system: cooperation in order to strengthen, rationalize and streamline activities and avoid unnecessary duplication; the assessment of the impact of policies, programmes and strategies on respect for all human rights; and cooperation and coordination in a number of specific substantive and operational areas. Cooperation among the organizations of the United Nations system, including the Bretton Woods institutions, is important for the effective implementation of programmes related to the promotion and protection of human rights. For those purposes the High Commissioner intends to establish a permanent dialogue with the organizations of the United Nations system in order to promote human rights through a systematic and periodic exchange of information, experience and expertise.

23. Shortly after assuming his functions, the High Commissioner participated in the discussions of the Administrative Committee on Coordination on follow-up to the World Conference. The Vienna Declaration had called for an annual United Nations coordination meeting at a high level and, pursuant to that request, the Secretary-General had placed on the agenda of the Administrative Committee for its first session of 1994 an item on follow-up to the Conference. That item was dealt with by the heads of agencies under the chairmanship of the Secretary-General in April 1994. During the discussion by the Administrative Committee, the importance of the protection of human rights in their many dimensions was underlined, including political, economic, social, cultural, environmental dimensions, and those relating to the right to development and to communication. The human rights elements of the mandates and programmes of work of the various organizations were discussed, as was the growing cooperation within the United Nations system in the field of human rights, including in relation to children, education, equality of women, bio-ethics, population and development, and the protection of refugees.

24. The results of the discussion by the Administrative Committee on Coordination are most encouraging. The agencies reaffirmed their commitment to contribute to the implementation of the Vienna Declaration and Programme of Action within the framework of their mandates, approved programmes and the resources made available for their activities, including through support to and cooperation with the High Commissioner in system-wide coordination. As

appropriate, other steps were agreed to, including an assessment by members of the Administrative Committee of the impact of the strategies and policies of their organizations on the enjoyment of all human rights and the consideration of the feasibility of developing common indicators and guidelines for that purpose. In addition, agreement was reached on the desirability of periodic discussion in the Administrative Committee with a view to furthering a coordinated approach by the United Nations system to the promotion and protection of human rights, in particular of the most vulnerable in society, and strengthening, making better use of and, where necessary, expanding existing mechanisms to provide a framework for the follow-up to the World Conference, in order to establish priorities, exchange experience and coordinate ongoing activities, not only within the United Nations system, but also with non-governmental organizations. Further, steps to be taken included strengthening of training programmes in human rights for international civil servants and the examination of ways to facilitate inter-agency cooperation, through systematic exchange of information, accessible to all relevant components of the system, for example, through the establishment of databases.

25. One of the High Commissioner's major objectives is to follow up on these recommendations and he is in contact with the agencies concerned for that purpose.

B. Meeting with special rapporteurs, experts and chairpersons of working groups

26. Reinforcing coordination and cooperation among the bodies and organs of the human rights programme is another important way of improving effectiveness and is closely connected with the High Commissioner's mandate relating to the rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights. In that context, the High Commissioner chaired the first meeting of special rapporteurs, experts and chairpersons of working groups of the Commission on Human Rights, held at Geneva from 30 May to 1 June 1994.

27. The High Commissioner stressed that the work of the special rapporteurs was an important pillar of the implementation of human rights in practical terms. The Vienna Declaration and Programme of Action recognized clearly the importance of the system of special procedures and approved the idea of periodic meetings to enable the procedures and mechanisms to harmonize and rationalize their work. Each procedure or mechanism had its own important role to play in the protection of human rights and the High Commissioner did not intend to duplicate or substitute himself for existing mechanisms. The Office of the High Commissioner had overall competence for the promotion and protection of human rights, while special rapporteurs had been entrusted with mandates relating to specific subjects or situations. Those mandates essentially required fact-finding investigation and assessment of phenomena, situations and cases, and, as far as advisory service experts were concerned, development of comprehensive programmes of human rights assistance and training. In that framework, the mandate of the High Commissioner was essentially one of facilitation and coordination. The High Commissioner would also ensure appropriate follow-up action to recommendations made by special rapporteurs, experts and chairpersons of the working groups.

28. The High Commissioner identified the following five priority areas where enhanced cooperation and exchange of information in relation to the respective

special procedures mandates could be ensured and these were endorsed by the meeting:

(a) Emergency situations in the field of human rights;

(b) Early warning of human rights situations that might require preventive action by the High Commissioner, possibly through the provision of United Nations advisory services and technical assistance;

(c) Field missions by the various special rapporteurs or working groups;

(d) Follow-up action of the High Commissioner on recommendations made by special rapporteurs and working groups;

(e) The work of other implementation mechanisms such as the treaty-based bodies and the provision of advisory services and technical assistance to Member States.

Because of the importance of the meeting and its recommendations, the High Commissioner decided to transmit its report to the Commission on Human Rights as an official document (E/CN.4/1995/5 and Add.1).

C. Meeting of chairpersons of treaty-based bodies

29. The High Commissioner met with the chairpersons of human rights treaty bodies during their fifth meeting, from 19 to 23 September 1994, at which they considered the Vienna Declaration and Programme of Action. The chairpersons emphasized, inter alia, that the promotion and protection of all human rights and fundamental freedoms must be perceived as a priority objective of the United Nations, as stated in the Vienna Declaration and Programme of Action, and pledged their full support and cooperation to the realization of that objective.

30. The High Commissioner underlined the importance of the treaty bodies to the human rights work of the United Nations, as was recognized by the Vienna Declaration, and stressed his commitment to supporting the work of those bodies. The regular meeting of the chairpersons was an important method of coordination and the High Commissioner expressed his intention to seek ways of making that coordination more effective.

31. The meeting of chairpersons stated that human rights should have a high profile in all relevant United Nations activities and that human rights must be understood in the context of the United Nations human rights instruments and the work of the treaty-monitoring bodies. The chairpersons also discussed a number of issues, including a growing tendency in the United Nations on the part of bodies concerned with some aspects of human rights to ignore in their activities the standards codified in the international human rights treaties, and the need for human rights training for international civil servants who were assigned to activities relating to human rights.

D. Cooperation on the regional level

32. The promotion of cooperation in human rights matters on the regional level is an important element in the High Commissioner's activities. In May 1994, the High Commissioner held discussions on priority human rights issues at Vienna with the Secretary-General of CSCE and met with the Director of Human Rights of

the Council of Europe. The High Commissioner intends to strengthen cooperation with all regional organizations dealing with human rights, namely, the Organization of American States (OAS) and the Inter-American Court and Commission on Human Rights and the Council of Europe, the European Court, the Commission on Human Rights and the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU).

33. In September 1994, the High Commissioner took part in a meeting between the Council of Europe, CSCE and United Nations programmes based at Geneva. The following also took part or were represented at that meeting: the Chairman-in-Office of CSCE and its Secretary-General and High Commissioner on National Minorities, CSCE Office for Democratic Institutions and Human Rights, the Secretary-General of the Council of Europe, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Economic Commission for Europe (ECE).

34. The High Commissioner discussed ways and means of improving cooperation and coordination between the organizations represented. A number of areas of common interest and joint action in human rights were identified, including the question of minorities, preventive action, fact-finding missions, seminars and training, advisory services and technical assistance, particularly with respect to constitutional and legal reform, democratic elections, the administration of justice and the strengthening of infrastructures for the promotion and protection of human rights. Trilateral forms of cooperation between the High Commissioner, CSCE and the Council of Europe will be strengthened in the areas mentioned above through regular yearly meetings, effective and timely sharing of information and the establishment of focal points on human rights issues in each of the respective offices.

E. Maintaining high international human rights standards

35. An important purpose in the High Commissioner's activities of coordination within the United Nations is to maintain consistency with the high quality of existing international standards. The need for this was recognized by the World Conference, which reaffirmed the guidelines relating to the elaboration of new international instruments contained in General Assembly resolution 41/120 of 4 December 1986 and called upon the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments. The fifth meeting of chairpersons of treaty-based bodies expressed its concern that the human rights standards already codified in international law were not being sufficiently followed in the preparation of instruments in areas that dealt with certain aspects of human rights. The High Commissioner is ready to make available expert assistance in all those areas in order to help ensure that United Nations human rights standards remain high and thus contribute to the universality of respect for human rights.

V. ADVISORY SERVICES AND TECHNICAL AND FINANCIAL ASSISTANCE

36. Among the important responsibilities of the High Commissioner is that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights. An effective advisory service and technical assistance programme was a major concern of all those who took part in the World Conference on Human Rights, Governments, United Nations agencies and programmes, regional and national institutions and non-governmental organizations alike, and the Vienna Declaration makes such a programme one of the principal means for achieving its objectives and those of the Programme of Action. Assistance, at the request of Governments, was expressly called for in the following areas: helping States draft national plans of action for human rights that the United Nations could support, building democratic institutions, human rights aspects of elections, the administration of justice, the training of police and others, and activities in such areas as children's rights, minorities and indigenous populations.

37. The Vienna Declaration and Programme of Action provided that special attention should be given to assisting countries in transition to democracy. Developing effective programmes of assistance based on local and national participation will enable the United Nations to assist countries in the difficult transition period. The High Commissioner has dealt with those issues, in particular in his visits to Cambodia, Estonia, Latvia, Lithuania, Malawi and Nepal.

A. Cambodia

38. The Centre for Human Rights has opened an office in Cambodia in cooperation with the Government. It has a mandate, pursuant to resolutions of the General Assembly and the Commission on Human Rights, to manage the implementation of educational, advisory services and technical assistance programmes and to ensure their continuation; to assist the Government of Cambodia in meeting its obligations under the human rights instruments Cambodia has acceded to, including the preparation of reports to the relevant monitoring committees; to assist with the drafting and implementation of legislation to promote and protect human rights; to assist in training persons responsible for the administration of justice; to contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights; and to provide support to bona fide human rights groups.

39. The High Commissioner visited Cambodia in July 1994 in order to observe first hand the work of the office and to discuss with the Government support needed to assist in the transition to democracy, in particular in strengthening the rule of law. The High Commissioner's visit took place in coordination with the Special Representative of the Secretary-General for Human Rights in Cambodia and dealt with the human rights situation in the country and increased cooperation between the various United Nations agencies and institutions involved.

B. Estonia

40. In Estonia the High Commissioner discussed with the President and other high authorities of the country the challenges they faced in the transition to democracy during a visit to that country in October 1994. That was also a matter discussed with non-governmental organizations, such as the Estonian Institute for Human Rights, and representatives of national minorities. Issues such as minority rights, refugees, the promotion of human rights education and ensuring that national law and practice meet international human rights standards were discussed. The High Commissioner suggested the preparation of a national human rights plan of action as the framework for future developments, which might include the establishment of a national human rights commission to help promote and protect the rights of all persons living in the country. The High Commissioner expressed his readiness to be of assistance in that field within the advisory service and technical cooperation programmes.

C. Latvia

41. On his visit to Latvia in October 1994, the High Commissioner met with the President and other high authorities of the State, members of parliament, leaders of the religious communities and representatives of minority groups. A wide range of issues were discussed, including the rights of minorities, non-citizens and the challenge of revising national legislation to meet international human rights standards. Human rights education, the rights of women and the protection of the rights of the child were also discussed. The Prime Minister of Latvia presented to the High Commissioner the first public copy of the National Human Rights Plan, which the Government had just approved. The plan had been prepared under the auspices of the United Nations Resident Coordinator with the support of the Centre for Human Rights, the Council of Europe and CSCE. The Prime Minister thanked the United Nations for its help in preparing the Plan and requested the High Commissioner to provide support for its implementation, to include the establishment of an independent national human rights commission that would be able to receive complaints from all residents of the country, including non-citizens. That request is being followed up by the High Commissioner and the United Nations Resident Coordinator.

D. Lithuania

42. During his visit to Lithuania in October 1994, the High Commissioner discussed a wide range of human rights issues with the President of the Republic and other high officials. Issues such as the appointment of an ombudsman, revision of national legislation from the point of view of international human rights standards, the establishment of a national human rights commission, human rights education, the rights of minorities, non-citizens, promotion of the rights of women and the rights of children were discussed with government officials, members of parliament and representatives of non-governmental organizations and minorities. In the context of the challenges of the transition to democracy, the Government expressed its appreciation for a seminar organized in April 1994 by the Centre for Human Rights, which had developed a number of specific recommendations, including the creation of a national human rights commission, training for judges and lawyers and human rights education. The authorities of Lithuania requested the High Commissioner to provide assistance in the field of human rights, including the implementation of the seminar's recommendations and the development of a national human rights plan.

The High Commissioner is following up the request through the United Nations Resident Coordinator.

E. Malawi

43. The High Commissioner visited Malawi during the second half of August 1994 to discuss with senior government officials, members of parliament, representatives of all political parties and non-governmental organizations the future needs of Malawi for human rights assistance. The Centre for Human Rights had provided advisory services and assigned a human rights officer to Malawi in connection with that country's 1993 referendum on multi-party democracy, the preparations for the multi-party elections of 1994 and the drafting of a new constitution.

44. During his discussions in Malawi, the High Commissioner recommended wide support for a human rights assistance programme that would help the country solidify democracy. The High Commissioner signed with the Vice-President of the Republic a joint declaration of cooperation for the development of programmes for the promotion and protection of human rights in Malawi. The programme will run for two years, starting on 1 January 1995. It covers several areas of priority needs, such as constitutional reform, assistance to the judiciary, training of police and the military, human rights education in primary and secondary schools, support to the civil society and support to parliament and to structures involved in the administration of justice. The programme provides for the opening of an office of the High Commissioner at Lilongwe for the purpose of assisting in the implementation of the programme. The office opened in mid-November 1994.

F. Nepal

45. The High Commissioner visited Nepal in August 1994 and met with the head of State, highest authorities of the Government and representatives of parliament. During those meetings cooperation between the Government and the Office of the High Commissioner was discussed in connection with strengthening the recently established democratic regime and improving respect for human rights. Issues included the provision of assistance to review and revise existing legislation in order to bring it into conformity with international human rights standards; the identification of mechanisms for the effective prosecution of perpetrators of human rights violations; the organization of education and information campaigns to increase general awareness of human rights at the national level; the provision of assistance to meet Nepal's reporting obligations under the relevant international human rights treaties; the implementation of training activities for police and other public officials and specific projects focusing on women, children, child labour and bonded labour issues. During the High Commissioner's visit, the Government presented a proposal for technical assistance in the field of human rights, including several activities aimed at facilitating the implementation of the international human rights instruments ratified by Nepal and increasing public awareness of human rights among the Nepalese people. An assessment mission will be organized to prepare a comprehensive technical cooperation programme reflecting the needs expressed by the Government.

G. National and regional institutions

46. Many countries have already created national institutions for the protection and promotion of human rights, often with support of the technical assistance programme of the Centre for Human Rights. The positive trend in favour of the establishment and the enhancement of national institutions responsible for human rights reflects the concern of States to guarantee the protection and effective promotion of the human rights of all their citizens. During his country visits, the High Commissioner tries to meet with representatives of national institutions, including ombudsmen, and he supports the work of the Centre for Human Rights relating to the creation of national institutions.

47. Another area of importance for the High Commissioner is cooperation with regional institutions for the promotion and protection of human rights. In addition, he provides advisory services and technical assistance for the establishment and strengthening of regional institutions for the promotion and protection of human rights. The High Commissioner discussed also those matters during the Third Asia-Pacific Workshop on Human Rights Issues, held in July 1994 in the Republic of Korea, and has offered his encouragement and support to efforts aimed at setting up a regional or subregional arrangement in Asia.

VI. RESPONDING TO SERIOUS VIOLATIONS OF HUMAN RIGHTS

48. The General Assembly entrusted the High Commissioner with the responsibility of playing an active role, inter alia, in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action. That Declaration welcomed the convening of emergency sessions of the Commission on Human Rights as a positive initiative and recommended that consideration be given by the relevant organs of the United Nations system to other ways of responding to serious violations of human rights.

49. The High Commissioner has been deeply concerned with the tragic situation in Rwanda. Early in April 1994 it became clear that the most flagrant and massive violations of human rights and humanitarian law were being committed in that country. While the restoration of peace and security falls within the competence of the Security Council, the international community also had to react to the total negation of the most fundamental rights of the human person and, above all, of the right to life. The High Commissioner therefore requested information and suggestions for action from a wide range of organs concerned with human rights: the special rapporteurs of the Commission on Human Rights, the chairpersons of the human rights treaty-monitoring bodies, the specialized agencies and programmes of the United Nations, OAU and its African Commission on Human and Peoples' Rights, the International Committee of the Red Cross (ICRC) and non-governmental organizations.

50. Based on the information and views received and after consulting the Secretary-General, the High Commissioner decided to undertake a mission to the region as soon as possible. In Rwanda, he met the representatives of the parties to the conflict, the Rwandese Armed Forces and the Rwandese Patriotic Front. In an appeal made from the capital of Rwanda, the High Commissioner urged all the protagonists to put an end to the massive violations of human rights, to conclude a cease-fire without delay and to allow humanitarian aid to be dispatched to all those who needed it and whose survival depended on it.

51. Prior to leaving for Rwanda, the High Commissioner had requested the members of the Commission on Human Rights to consider the advisability of holding a special session to consider the serious human rights situation in that country. In response to an initiative of the Government of Canada, 44 of the 53 members of the Commission supported the holding of a special session, which took place on 24 and 25 May 1994. The High Commissioner presented to that special session a report on his mission to Rwanda and the region, and made recommendations for specific action to bring the cycle of violence in that country to an end. The Commission, in its resolution S-3/1, adopted by consensus at the end of its special session, decided to appoint a special rapporteur on the situation of human rights in Rwanda. The task of the Special Rapporteur is to receive all credible and reliable information on human rights violations and atrocities committed in Rwanda, including the root causes of and responsibilities for that humanitarian disaster. The Special Rapporteur, Mr. René Degni-Ségui, an eminent jurist from Côte d'Ivoire, has visited the country three times and presented two reports containing his observations and recommendations (see A/49/508-S/1994/1157 and Add.1).

52. Also in the resolution adopted at its special session, the Commission on Human Rights decided that the Special Rapporteur should receive the assistance of a team of human rights field officers, who would work in close cooperation with the United Nations Assistance Mission for Rwanda (UNAMIR) and all United

Nations agencies and programmes operating in Rwanda. In conformity with that request, the first four of the six human rights file officers initially foreseen were sent to Rwanda between June and the beginning of August 1994. Further, and as a longer-term preventive measure, the Commission requested the High Commissioner to take all necessary steps to ensure that the political efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda included a strong human rights component.

53. On 1 July 1994, the Security Council adopted resolution 935 (1994) requesting the Secretary-General to establish a commission of experts to examine and analyse information concerning grave violations of international humanitarian law and genocide in Rwanda and to present its conclusions to the Council before 30 November 1994. In his report to the Security Council of 26 July 1994 announcing the establishment of the Commission (S/1994/879), the Secretary-General stated that the Commission of Experts would be based at Geneva and would benefit from the resources of the High Commissioner and, in particular, those already made available to the Special Rapporteur of the Commission on Human Rights. The High Commissioner was also requested to ensure adequate coordination between the work of the Commission of Experts and the Special Rapporteur. The Commission of Experts undertook a field mission to the region in August-September 1994 and presented an interim report to the Secretary-General on 30 September 1994 (S/1994/1125, annex) in which, inter alia, he recommended the establishment of an international tribunal.

54. By the end of July, it had become apparent that a much larger number of human rights staff would be required to deal with the extremely complex situation in Rwanda. Therefore, on 2 August 1994, at a pledging conference organized at Geneva by the Department of Humanitarian Affairs of the Secretariat, the High Commissioner launched an appeal to the international community, calling for funds to expand human rights field activities and to establish a network of an additional 20 human rights field officers.

55. The High Commissioner visited Rwanda for the second time in mid-August 1994 with the primary purpose of strengthening the human rights observer presence required by the mandate relating to Rwanda. The High Commissioner also discussed priority needs in terms of the process of reconstruction of the country, particularly as far as advisory services and technical cooperation programmes in the field of human rights were concerned. The High Commissioner also underlined the need for the full respect for human rights by the new authorities as an important element in national reconciliation and expressed concern at certain reports of violations that he had received. In his meetings with the President and other high officials, the High Commissioner was informed of the importance the Government attached to respect for human rights and its willingness to take measures for that purpose. Isolated incidents had taken place and were being investigated, and those responsible would be punished. The Government further expressed its desire to enlarge and strengthen the advisory service programme and agreed to an increase in human rights field staff to 147, the number of communes in the country.

56. Providing support for the various human rights activities in Rwanda has proved to be a difficult challenge. On 15 September 1994, the High Commissioner presented to States in a meeting at Geneva a detailed operational plan for human rights field operations in Rwanda designed to support the work of the Special Rapporteur and the Commission of Experts, and to provide advisory services. That plan described the legal and conceptual framework for the High Commissioner's activities in Rwanda, described the implementation of those

activities and laid out the resource requirements. The objective was to field 147 human rights field officers with the following tasks:

(a) To carry out investigations into violations of human rights and humanitarian law, essentially for the purpose of the Commission of Experts;

(b) To monitor the ongoing human rights situation, essentially for the purposes of the mandate of the Special Rapporteur, and through their presence help redress existing problems and prevent possible human rights violations from occurring;

(c) To cooperate with other international agencies in re-establishing confidence and thus facilitate the return of refugees and displaced persons and the rebuilding of civic society;

(d) To implement programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice.

The High Commissioner appealed to States to make available the resources necessary to carry out the plan.

57. At the end of September information was received concerning allegations of serious violations of human rights in Rwanda over the recent months. At the request of the Secretary-General that information was transmitted to the Commission of Experts and the Special Rapporteur for an in-depth investigation.

58. The experience gained in dealing with the sudden outbreak of massive violations of human rights in Rwanda requires careful analysis. Human rights concerns play an important role in addressing those emergencies, as does the need for flexible and rapid response mechanisms to provide logistical support and human resources. Much can be learned from the Rwanda experience and the High Commissioner will be giving close consideration to those matters.

59. Reacting to serious violations of human rights and acting to prevent serious situations of human rights violations from developing at times require swift action both logistically and in terms of qualified and experienced staff. Suggestions have already been made to the General Assembly for the creation of a task force for rapid action in humanitarian emergencies and merit close study. The High Commissioner, in his recent trips to Finland, Norway and Sweden, discussed those problems and requested the cooperation of those countries in securing support in the following areas: (a) logistical assistance capacity on a stand-by basis to provide material, communications and other support needed to contribute to emergency or preventive field missions; (b) the establishment and maintenance of an international roster of specialized staff to be available at short notice for human rights field missions (investigative teams, human rights field officers, legal experts, etc.); and (c) increased contributions to the Voluntary Fund for Technical Cooperation in order to cover the financial needs of field missions and advisory service assistance. The response of the countries visited has been very encouraging and the High Commissioner is extending his requests for assistance to other members of the international community.

VII. PREVENTING VIOLATIONS OF HUMAN RIGHTS

60. The High Commissioner has responsibility under General Assembly resolution 48/141 to play an active role in removing the current obstacles and in meeting the challenges to full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action. Experience has shown that the provision of advisory services and technical assistance, in appropriate cases, can be an important element in preventing violations of human rights. Within that framework, the High Commissioner first visited Burundi in May 1994 during his mission to the region in connection with the crisis in Rwanda. In the High Commissioner's view, the crisis in Rwanda could have had negative repercussions in Burundi, which had managed to maintain a relative, although tense calm after the death of its President on 6 April 1994. Thus, the purpose of the visit was to support the action of the Government and others in promoting respect for human rights and in that way contribute to a stabilization of the situation.

61. In Burundi, the High Commissioner met the acting President and the Ministers of Defence, the Interior, Foreign Affairs, Justice, Human Rights and Refugees, and also held discussions with representatives of non-governmental organizations, churches and the media. The High Commissioner benefited from the cooperation and expertise of the Special Representative of the Secretary-General in Burundi, the Resident Representative of the United Nations Development Programme (UNDP) and other United Nations field officers. It was clear from those consultations that a programme of cooperation and technical assistance in the field of human rights might prove helpful in preserving peace in Burundi. Agreement was reached on a human rights assistance programme that would be part of a comprehensive integrated approach to be carried out in close cooperation with all United Nations agencies and programmes present in Burundi. This human rights programme will be based on existing projects, which will be strengthened and expanded to cover all segments of the population and will include a component of training for government officials, the armed forces, the police, judges, lawyers and educators in international human rights standards. The assistance programme also provides for human rights education and information in primary and secondary schools and higher education establishments, as well as in non-formal education. With a view to promoting tolerance, the programme aims at strengthening national institutions for the promotion and protection of human rights, including the Bujumbura Centre for Human Rights.

62. In discussions with the highest authorities in Burundi, the High Commissioner raised the possibility of establishing a human rights presence in that country, to consist of United Nations staff who would assist the Government in implementing the broad technical cooperation programme. All concerned expressed support for that approach; it was felt that such a presence could help promote democracy, respect for the rule of law and the process of national reconciliation. In conformity with the accord reached with the Government an office of the High Commissioner was opened at Bujumbura on 15 June 1994 to help implement the first phase of the technical assistance programme. To support the overall assistance programme in Burundi, the High Commissioner, on 25 May 1994, made an urgent appeal to all Member States and to the donor community for voluntary contributions. The response to that appeal has been very encouraging.

63. At the beginning of July 1994, the High Commissioner received a number of serious reports and expressions of concern relating to an increase of tension and the danger of rising violence in Burundi. Aware of the possible tragic consequences for the entire population of that country that an increase in

tension and violence could have, the High Commissioner decided to write to the interim President to express his support for all those who during that difficult period were working for tolerance and mutual understanding. The High Commissioner appealed solemnly to all to spare no effort in working to maintaining peace and understanding in the country. He expressed particular concern about the use of radio broadcasts and other media to transmit messages of hate and intolerance, and called upon all concerned to put an end to such incitements to hatred.

64. In August 1994, the High Commissioner again visited Burundi in order to strengthen the human rights technical assistance programme. He met with the President, the Prime Minister and senior government ministers, as well as the Attorney-General, members of parliament, representatives of all political parties, including the opposition parties, two former Presidents of Burundi, non-governmental organizations and the media. There was broad agreement that an increase in the assistance programme and an enhanced human rights presence through international staff could help promote progress in respect for human rights, deter violations and thus contribute to the country's stability. It was thus agreed with the Government to increase to at least 10 the international staff in the High Commissioner's office at Bujumbura and to strengthen the assistance programme in the following areas: (a) training and educational activities (particularly for the judiciary, police, gendarmerie and military); (b) advisory services by experts on human rights (particularly for the military and the judiciary); (c) human rights fellowships; (d) human rights documentation; (e) promotional activities for a culture of human rights; (f) support for the Bujumbura Centre for Human Rights; and (g) assistance to human rights promotional activities of national human rights non-governmental organizations such as the two human rights leagues.

65. In connection with the situation in Burundi, in its resolution 49/7 of 25 October 1994, the General Assembly welcomed the action of the High Commissioner and of the office he had established in Burundi, and called for support to be given to the national programme to restore confidence among the various elements of the people of Burundi, especially by deploying civilian human rights observers to back up the local administration.

66. It will be important in the future to have as early notice as possible of situations in which various elements of the United Nations human rights programme could play a role in preventing the outbreak of serious violations of human rights. The High Commissioner has written to the chairpersons of the treaty-based human rights bodies, to the special rapporteurs, representatives, experts and working groups established by the Commission on Human Rights, as well as to certain United Nations agencies and programmes and non-governmental organizations, to invite them to call to the attention of the High Commissioner any situations that might need his attention within the framework of the promotion and protection of human rights. At their fifth meeting, in September 1994, the chairpersons of the human rights treaty bodies urged the latter to take all appropriate measures in response to situations of massive violations of human rights, including the possibilities of bringing those violations to the attention of the High Commissioner and of the Secretary-General.

VIII. REALIZATION OF THE RIGHT TO DEVELOPMENT

67. One of the most important achievements of the World Conference on Human Rights was the reaffirmation by consensus that the right to development, as established in the Declaration on the Right to Development of 1986, was a universal and inalienable right and an integral part of fundamental human rights. The Vienna Declaration also stated that, while development facilitated the enjoyment of all human rights, the lack of development might not be invoked to justify the abridgement of internationally recognized human rights. The Declaration also provided that States should cooperate with each other in ensuring development and eliminating obstacles to development, and that the international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development. In addition, the Declaration stated that lasting progress towards the implementation of the right to development required effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

68. The World Conference gave priority to the implementation and realization of the right to development as established in the Declaration on the Right to Development. In that context, the Conference welcomed the appointment by the Commission on Human Rights of a thematic working group on the right to development and urged that the working group, in consultation and cooperation with other organs and agencies of the United Nations system, promptly formulate, for early consideration by the General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development, and recommend ways and means to realize the right to development by all States.

69. The World Conference also called for a concerted effort to be made to ensure the recognition of economic, social and cultural rights at the national, regional and international levels, and suggested a practical approach to the establishment of indicators to measure progress in the realization of economic, social and cultural rights, and the identification of practical ways to overcome obstacles to the implementation of the right to development. The implementation of that right also entails the search for more effective ways of protecting economic, social and cultural rights. The promotion of those rights has not yet received the same attention as civil and political rights and it is often the violation of economic, social and cultural rights that sets the stage for violations of civil and political rights - another important component of the right to development.

70. The mandate of the High Commissioner on the right to development is placed firmly within the perspective of the World Conference. The High Commissioner is charged specifically with promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose. The right to development is mentioned in several other places in General Assembly resolution 48/141 establishing the post of High Commissioner. It clearly enunciates the interdependent, interrelated and indivisible nature of all human rights, and calls for action at the national and international level to promote and protect those rights.

71. Within the United Nations human rights programme, many activities are carried out that are directly related to the right to development. The Working Group on the Right to Development has held three sessions and has made many important suggestions. The High Commissioner addressed two sessions of the

Working Group in 1994 and expressed his intention to support its important proposals. The High Commissioner pointed out that one matter of importance dealt with by the Working Group was that of the effects on the implementation of the right to development of economic structural adjustment policies arising from foreign debt. High-level consultations with heads of State or Government, heads of the multilateral financial institutions, specialized agencies, intergovernmental and non-governmental organizations are being undertaken on adequate measures to be implemented to find a durable solution to the debt crisis of the developing countries. A report on the results of those consultations will be submitted to the Commission on Human Rights at its fifty-first session. This is a matter the High Commissioner is following closely.

72. The Subcommission on Prevention of Discrimination and Protection of Minorities also contributes to the understanding of the right to development, directly and through its Special Rapporteur, on the rights to food, housing, on extreme poverty and human rights, and on the relation between income distribution and the enjoyment of human rights. Further, the committees established under international human rights treaties all deal with facets of the right to development. It will be important to strengthen the links between all those efforts so that a clearer idea can emerge of the concrete problems and solutions.

73. One of the areas of the implementation of the right to development that might be explored is the translation of the interdependent and interrelated concept of the right to development to the national level. Here, the United Nations advisory services and technical cooperation programme in the field of human rights, at the request of States, has an important role to play. Criteria can be developed that could be applied in needs assessment missions to countries to identify areas where assistance focusing on the right to development and economic, social and cultural rights might be suggested. Model projects could be developed in this area to provide a basis for decision and a roster of experts and a manual on promoting the right to development could be developed. Training programmes at the national and local levels could be designed to raise awareness of the interdependent nature of human rights and social and economic development activities. These could be aimed at policy makers, parliamentarians and others whose decisions affect human rights. Finally, concrete projects supporting popular participation could be designed.

74. The High Commissioner is committed to promoting economic, social and cultural rights and the right to development, which are areas that have not always received adequate attention. A key tool in this will be the dialogue now under way within the Administrative Committee on Coordination concerning the development of indicators of progress in human rights and the assessment of the impact of the strategies and policies of the various agencies and programmes on the enjoyment of all human rights. In addition, the High Commissioner is taking steps, including the convening of a senior-level meeting of experts, to assess the work undertaken so far in the realization of cultural, economic and social rights and to elaborate a strategy for the next four years, bearing in mind the report of the Secretary-General entitled "An Agenda for Development" (A/48/935). The High Commissioner attaches great importance to assisting, in continuous consultations on the question with relevant United Nations agencies, bodies and other institutions, the Working Group on the Right to Development in the formulation of comprehensive measures to eliminate obstacles to the realization of the Declaration on the Right to Development. The cooperation of the United Nations bodies working in the field of development, specialized agencies and non-governmental organizations in assessing the progressive realization of

cultural, economic and social rights, and identifying and addressing violations of those rights will be important.

75. The High Commissioner, during his visits to countries, underlines the importance of ensuring respect for economic, social and cultural rights alongside civil and political rights. Protecting economic, social and cultural rights is particularly important during periods of structural adjustment and during transition to a market economy. Too often basic rights such as those to health, food, shelter and education receive insufficient protection and the victims are often children. This is a matter that Government policy makers and parliaments in particular should keep in mind.

IX. ELIMINATION OF DISCRIMINATION

76. Effective promotion and protection of human rights require concerted efforts to eliminate racial discrimination and racism and the High Commissioner attaches high priority to this within his mandate to promote and protect the universal enjoyment of all human rights. The World Conference on Human Rights, building on the provisions of the Charter of the United Nations and numerous human rights treaties, declared that respect for human rights and for fundamental freedoms without distinction of any kind was a fundamental rule of international human rights law. The World Conference agreed that the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance was a priority task for the international community and the Governments should take effective measures to prevent and combat them. The World Conference called for a world-wide promotion campaign against racism, racial discrimination and contemporary forms and manifestations of racism.

77. The principle of non-discrimination permeates all the human rights instruments, both treaties and declarations, from the International Convention on the Elimination of All Forms of Racial Discrimination (resolution 2106 A (XX), annex) and the International Covenants on Human Rights (see resolution 2200 A (XXI), annex) to the recently adopted International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 45/158, annex) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (resolution 47/135, annex). The challenge for the United Nations now is how to implement those standards and a number of United Nations monitoring mechanisms are today charged with the surveillance of States' implementation of their obligations. The Committee against Racial Discrimination supervises the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination based on reports submitted by Governments and also on information submitted by non-governmental organizations. The Committee has also been developing a preventive role, in particular in situations where minority problems may lead to explosive tensions. The High Commissioner has established a constructive dialogue with the Committee with the purpose of acting effectively to eliminate racial discrimination. Other treaty bodies in charge of monitoring implementation of the other human rights treaties continue to place special emphasis on the issue of discrimination, be it in the implementation of civil and political rights, economic, social and cultural rights, the rights of children or the rights of women.

78. In 1993, the Commission on Human Rights appointed a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur is to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on those matters to the Commission at its fifty-first session in 1995.

79. Also in 1993, in its resolution 48/91 of 20 December 1993, the General Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination and made a number of recommendations for action at the national, regional and international levels. The effectiveness of the activities carried out under the international treaties by the special rapporteurs and under the Third Decade will be reinforced by coordination and the High Commissioner intends to pay close attention to providing such coordination.

80. Issues relating to the elimination of discrimination and promotion of tolerance are among the important matters the High Commissioner discussed during his visits to countries. During those discussions he was able to suggest steps that might help eliminate discrimination.

81. The High Commissioner believes that States should consider, if they have not already done so, adopting legislation declaring discrimination illegal and that such legislation must also be enforced by the judicial and the executive branches. This is important, not least because law and its enforcement are powerful tools of education. Model legislation against racial discrimination was recently prepared by the United Nations and may serve as a useful tool.

82. One key element to which greater attention will need to be devoted in the future is human rights education and the creation of climates of mutual tolerance, understanding and appreciation between different communities. In that context, the value of the different cultures of the world and the fact that each is an important part of the common heritage of all should not be forgotten. Sensitivity training in the early school years and broader-based community action programmes are important tools to achieve that objective.

83. The High Commissioner believes that consideration should also be given to setting up community relations commissions not only in areas where tensions have actually manifested themselves but also as a general mechanism in all communities. Such commissions could reinforce existing inter-group understanding and identify the seeds of future tensions at an early stage, thus making possible preventive action. The participation of vulnerable groups in the elaboration of national and local plans of action is also crucial, since it constitutes a tangible recognition of their dignity and of the principle of equality.

X. EQUAL STATUS AND HUMAN RIGHTS OF WOMEN

84. Within his mandate to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights, the High Commissioner attaches special importance to the equal status and human rights of women. The World Conference on Human Rights marked a significant step forward in the consideration by the international community of the status and human rights of women, confirming that women's rights are human rights and that all human rights concern women. The World Conference urged the full and equal enjoyment by women of all human rights as a priority objective for both Member States and the United Nations, and that the human rights of women be fully integrated into the mainstream of United Nations system-wide activities. The Conference confirmed the need for the full participation of women as both agents and beneficiaries of development. The Vienna Declaration and Programme of Action contained important proposals, including the ratification of all international instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women (resolution 34/180, annex), by the year 2000, the reinforcement of the human rights of the girl child and measures to eliminate violence against women.

85. The question of violence against women was considered by the Commission on Human Rights at its fiftieth session. The Commission adopted resolution 1994/45, entitled "Question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women". In that resolution, the Commission urged Governments to intensify their efforts to promote and protect the human rights of women and eliminate violence against women, in accordance with the Vienna Declaration and Programme of Action and the Declaration on the Elimination of Violence against Women (resolution 48/104), through the adoption of all appropriate means and measures, at the national, regional and international levels. It also called upon Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to human rights organs.

86. In that resolution, the Commission also decided to appoint a special rapporteur on violence against women, including its causes and its consequences. A request for information had been addressed to Governments and organizations on issues ranging from violence in the family and in the community, violence by the State relating to women in detention and custodial violence to the situation of women in armed conflicts and refugee women. The Commission called for international cooperation with the Special Rapporteur in carrying out her mandate.

87. Impetus is being given to the integration of the human rights of women into the mainstream of the activities and programmes of work of the Centre for Human Rights. In addition, regular briefings and discussions are being held with both the staff of the Centre and the human rights bodies, that is, chairpersons of treaty-monitoring organs, working groups, thematic and country-specific special rapporteurs and experts, with a view to ensuring that a gender perspective and gender-neutral language are comprehensively included in their work. At their fifth meeting, in September 1994, the chairpersons of the treaty-monitoring bodies acknowledged the need to address fully the obstacles faced by women in the realization of the rights contained in the international instruments, as well as violations of human rights of women, when examining reports by States, and to reflect them in their findings and deliberations. They also stressed the need to update the reporting guidelines and procedures of the various

treaty-monitoring bodies and to devote serious discussion to those issues at their next session.

88. The need to ensure gender equality is being considered by other bodies established by the Commission on Human Rights, such as working groups and special rapporteurs. For example, the Working Group on the Right to Development has emphasized that there can be no genuine development without the equal and meaningful participation of women in the development process and that the continuing discrimination against women in their access to health care, education, employment, property and land rights, to mention just a few, constituted a major obstacle to the implementation of the right to development.

89. The lack of educational opportunities offered to girls and women has contributed to reinforcing the traditional female role, denying their full partnership in society. The United Nations has for a long time stressed the need to eliminate social and cultural practices having negative effects on the equality, opportunity and access by women to economic, social and political life. Equal access by women to education and education free from gender stereotypes will be an important part of the United Nations decade for human rights education.

90. The efforts made by the Centre for Human Rights include the adoption of a specific policy of incorporating issues relating to the human rights of women into all its activities and publications, such as the fact sheet on the human rights of women, which contains detailed information on the Convention on the Elimination of All Forms of Discrimination against Women and on the Committee and which is now available to the public. In the area of technical assistance in the field of human rights and assessment missions for such assistance, particular account is being taken of the situation of women in the target country and measures designed to improve the human rights of women are being incorporated into the projects. Women have been recruited to implement human rights technical assistance projects in some countries and a roster of women experts in the field of human rights is currently being developed.

91. The High Commissioner has given priority to those activities and provides guidance to the Centre for Human Rights in that regard. He attaches particular importance to the rights and equal status of women when visiting countries and systematically raises the issue with government officials and non-governmental organizations, drawing particular attention to the impact on the rights of women of economic adjustment or transitional policies. The High Commissioner also follows closely the preparations for the Fourth World Conference on Women. One objective of this Conference should be to encourage universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women and of all human rights treaties. Basic human rights treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights not only provide for anti-discrimination provisions but also identify areas of specific gender discrimination that require that State parties enact legal and administrative measures, including affirmative action, to achieve equality between men and women. The ratification and implementation of all human rights treaties would assist in promoting respect for women's rights.

XI. HUMAN RIGHTS EDUCATION AND INFORMATION

92. Human rights education and information aimed at creating a universal culture of human rights is an essential element in a long-term strategy to improve respect for human rights. This was recognized by the World Conference on Human Rights and the High Commissioner attaches special importance to that part of his mandate giving him responsibility for the coordination of relevant United Nations education and public information programmes in the field of human rights.

A. Decade for human rights education

93. An important focus of attention in this regard is the preparation of a plan of action for the United Nations decade for human rights education. The World Conference on Human Rights called for consideration to be given to the proclamation of such a decade. In its resolution 48/127 of 20 December 1993, the General Assembly requested the Commission on Human Rights, in cooperation with Member States, human rights treaty-monitoring bodies, other appropriate bodies and competent non-governmental organizations, to consider proposals for a United Nations decade for human rights education, which should be incorporated by the Secretary-General into a plan of action for such a decade and submitted, through the Economic and Social Council, to the Assembly at its forty-ninth session, with a view to the proclamation of a decade for human rights education. The Commission, for its part, in its resolution 1994/51, requested the Council to request the Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education. In that resolution, the Commission encouraged the High Commissioner, acting in cooperation with Member States, the monitoring bodies, international organizations, competent non-governmental organizations and other relevant organs, to include among his specific objectives a plan of action for the United Nations decade for human rights education.

94. The High Commissioner focuses on human rights education as essential for the encouragement of harmonious inter-community relations, for mutual tolerance and understanding and finally for peace. All individuals, all groups and all people should be informed of the rights to which they can aspire and the machinery that exists to protect those rights. A comprehensive approach to human rights education and training should pay special attention to those groups which are in a position to exercise an influence on the human rights of others through the education and training of specialists and trainers. In that connection, among the target groups should be primary and secondary school teachers, magistrates, senior officials and members of the police and the armed forces.

95. Inter-agency cooperation and coordination is essential to human rights education. Thus the High Commissioner underlined the importance of education for human rights during the first meeting of 1994 of the Administrative Committee on Coordination and he has also discussed the issue with Governments, members of treaty-monitoring bodies and non-governmental organizations, and stressed the importance of human rights education in the programmes of advisory services and technical cooperation.

96. Broad-based consultations concerning the contents of the plan of action for the decade for human rights education have been carried out with Governments, specialized agencies, regional organizations, the treaty-monitoring bodies and

non-governmental organizations. Their contributions are reflected in proposals for a plan of action for the decade submitted by the High Commissioner to the General Assembly (A/49/261-E/1994/110 and Add.1).

B. Public information activities

97. Another important element in creating a universal culture of human rights is providing information to the general public. Effective protection of human rights requires a basis of understanding and support in the general population. The High Commissioner envisages a revitalized World Public Information Campaign for Human Rights with two major themes. Firstly, it should provide encouragement and support to national efforts by Governments, human rights institutions or non-governmental organizations for national activities that attempt to explain to a population what their human rights are, how they can act to protect their own rights or the rights of others and the benefits that respect for human rights brings to all. Imaginative ways of preparing and transmitting the basic human rights message can be developed through national and regional consultations. An important support for such national efforts could be to expand and extend the translation and distribution of the Universal Declaration on Human Rights into national languages.

98. The High Commissioner for Human Rights has among his responsibilities the coordination of relevant United Nations education and public information programmes in the field of human rights. In that connection the High Commissioner believes that a revitalized World Public Information Campaign for Human Rights should also include readily understandable information on what the United Nations does in the field of human rights. The question of a quarterly publication designed to keep those working in human rights throughout the world abreast of the latest activities of the United Nations in the field of human rights will also be explored. Such a publication could be sent to non-governmental organizations, human rights research and study centres, national human rights commissions and government agencies. It could provide an overview of activities and a starting point for those wishing to follow up on specific subjects in more detail. The fact sheet series has shown itself to be a good way of making available more detailed information on what the United Nations is doing in specific subject areas and on the activities of the various mechanisms.

XII. RATIONALIZATION, ADAPTATION, STRENGTHENING AND STREAMLINING OF UNITED NATIONS HUMAN RIGHTS MACHINERY

99. The mandate of the High Commissioner includes the specific responsibility of rationalization, adaptation, strengthening and streamlining of United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness. This was a matter dealt with by the World Conference, which recognized the need for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the Vienna Declaration and within the framework of balanced and sustainable development. The World Conference also dealt with the improvement in the functioning of the treaty-based system and the special procedures and mechanisms.

100. This is one of the most important aspects of the mandate of the High Commissioner. According to General Assembly resolution 48/141, the High Commissioner has responsibility for the overall supervision of the Centre for Human Rights. The Centre, as the principal unit of the Secretariat dealing with human rights issues, and the High Commissioner represent a unity of action whereby the High Commissioner sets the policy directions and the Centre implements those policies. The High Commissioner and the Centre are located at the United Nations Office at Geneva and also maintain an office at Headquarters.

101. In keeping with his mandate, the High Commissioner will assess and review the need for a possible restructuring of the United Nations Secretariat in connection with the overall implementation of the human rights programme and the need for rationalization, coordination, adaptation, streamlining and strengthening of United Nations activities in the field of human rights. That review will therefore not be limited to the Centre for Human Rights but will extend to all relevant parts of the Secretariat dealing with human rights matters.

102. As far as proposals for the rationalization and streamlining of the United Nations human rights machinery are concerned, the High Commissioner follows very closely the negotiations within the Working Group of the Third Committee and will make proposals on the matter in due time, taking into account the views expressed by Member States.

XIII. OTHER ISSUES

103. There are many areas in the Vienna Declaration and Programme of Action and in the United Nations human rights programme that merit the attention of the High Commissioner in accordance with his mandate and to which he attaches importance. Among those areas as set out below are the universal ratification of human rights treaties, the rights of the child, the promotion and protection of the rights of minorities, the rights of indigenous people, action against torture and the role of non-governmental organizations. Other areas also merit attention and the High Commissioner will focus on them more closely in the future.

A. Universal ratification of human rights treaties

104. Strengthening the international legal framework for human rights was an important concern of the World Conference and it thus recommended the universal ratification of the United Nations human rights treaties and their protocols. The World Conference set two specific target dates for universal ratification: 1995 for the Convention on the Rights of the Child (resolution 44/25, annex) and the year 2000 for the Convention on the Elimination of All Forms of Discrimination against Women.

105. The High Commissioner attaches great importance to the achievement as soon as possible of universal ratification of all United Nations human rights treaties. The High Commissioner raises the issue systematically in his contacts with Governments and is ready to consider requests for advisory services to assist in the ratification of those treaties. Pursuant to the request of the World Conference, the Secretary-General wrote to all countries urging them to ratify the international human rights treaties to which they were not parties and the High Commissioner will be following up on that request in cooperation with the treaty-based bodies. A series of regional meetings will be organized in 1995 in order to enhance ratification of basic human rights conventions.

B. The rights of the child

106. The World Conference on Human Rights underlined the importance of major national and international efforts for promoting respect for the rights of the child. Universal ratification by 1995 of the Convention on the Rights of the Child was called for and States were called upon to integrate the Convention into their national plans of action. The Conference called for particular attention to be given to children in especially difficult circumstances and to the girl child. The Conference further recommended that the Committee on the Rights of the Child be enabled expeditiously and effectively to meet its mandate.

107. To that end, the High Commissioner is continuing his discussions with the United Nations Children's Fund (UNICEF) with whom a joint work programme on cooperative endeavours in order to implement the Convention on the Rights of the Child was recently concluded. Cooperation on issues related to the child within the United Nations system, in particular with UNICEF, and with other relevant agencies and bodies, is important to achieving the objectives of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development in the 1990s, adopted by the World Summit for Children in 1990 (A/45/625, annex), including the integration of the implementation of the

Convention into national plans of action. In his visits to countries the High Commissioner underlines the importance of ratification of the Convention and its effective implementation and is ready to make available technical assistance on request to help in overcoming possible obstacles to ratification and in adapting national legislation to the provisions of the Convention.

108. Promoting and protecting the human rights of the child requires strengthening the Committee on the Rights of the Child as the key international mechanism monitoring respect for those rights. On the basis of the requests of the Vienna Declaration and taking into account the suggestions and requests of the Committee, the High Commissioner has prepared a seven-point plan of action to strengthen support for the Committee's work and to provide advisory services and technical assistance when needed to implement the Committee's recommendations. The High Commissioner provides policy leadership relating to the rights of the child and has encouraged increased inter-agency coordination and cooperation. The High Commissioner has taken the decision to establish within the Centre for Human Rights an interdisciplinary substantive support team to assist the Committee; to provide specific assistance to States in preparing reports; to support field visits by the Committee; to provide support for improved implementation of Committee recommendations through advisory services and technical cooperation; and to strengthen the Centre's advisory service capacity in children's rights. The plan of action was discussed and approved by the Committee at its session in October 1994. It is now under discussion with Governments and will be coordinated with UNICEF and other relevant agencies and institutions.

C. Promotion and protection of the rights of minorities

109. Protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities is an imperative deriving from the Vienna Declaration and Programme of Action. The World Conference reaffirmed the obligation of States to ensure that persons belonging to minorities might exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The World Conference further stated that those persons had the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.

110. For that purpose the World Conference called upon the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration. In that context, the World Conference called upon the Centre for Human Rights to provide, at the request of Governments concerned and as part of its programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, and to assist in existing or potential situations involving minorities. Further, the World Conference called for measures to be taken, where appropriate, including facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

111. It is in the spirit of the Vienna Declaration that the High Commissioner situates his activities relating to the rights of minorities. Often, situations relating to minorities have many aspects in addition to that concerning human

rights standards and must be approached with a view to protecting human rights and promoting understanding. In some of his country visits (for instance to Estonia, Latvia and Lithuania), the High Commissioner has referred to issues relating to minorities as very difficult human problems. He has appealed for full respect for the human rights of persons belonging to minorities as expressed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the International Covenant on Civil and Political Rights and other international instruments, including those adopted by CSCE. In addition, the High Commissioner has appealed for government policies that would respond to the legitimate expectations of all people living in the country and enable everyone to feel secure in their rights.

D. The rights of indigenous people

112. The World Conference recognized the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. The Conference called for full and free participation of indigenous people in all aspects of society and for positive steps to be taken to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and for recognition of the value and diversity of their distinct identities, cultures and social organization.

113. The High Commissioner attaches particular importance to the effective protection of the rights of indigenous people. He has placed emphasis on the preparation of the plan of activities for the International Decade of the World's Indigenous People and intends to take part personally in the ceremony launching the Decade. He is also encouraging work by the Centre for Human Rights on advisory service projects of direct benefit to indigenous people, as called for by the World Conference, and the preparation of information for the public on the rights of indigenous people.

E. Action against torture

114. The World Conference emphasized that torture was one of the most atrocious violations of human dignity, the results of which destroy the dignity and impair the ability of victims to continue their lives and activities. The World Conference laid down a number of specific steps to be taken to prevent torture, punish those guilty of torture and help rehabilitate victims. The High Commissioner follows closely the work of the Centre for Human Rights in all those areas and strongly supports its activities. During his mission to Denmark, he visited the International Centre for the Rehabilitation of Torture Victims at Copenhagen and on that occasion made a world-wide appeal for the immediate cessation of all forms of torture, the universal ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46, annex) and the full implementation of its provisions. The High Commissioner fully supports the work of the Committee against Torture and the Special Rapporteur on Torture of the Centre for Human Rights.

F. The role of non-governmental organizations

115. The important role of non-governmental organizations in the promotion of all human rights and in humanitarian activities at national, regional and international levels was recognized by the World Conference. The World Conference emphasized the importance of continuing dialogue and cooperation between Governments and non-governmental organizations and recommended that non-governmental and other grass-roots organizations active in development and/or human rights should be enabled to play a major role at the national and international levels in the debate, activities and implementation relating to the right to development and, in cooperation with Governments, in the relevant aspects of development cooperation.

116. In his activities related to promoting the rights to development and in promotion of the enjoyment of all human rights, the High Commissioner seeks the cooperation of non-governmental organizations. In his visits to countries he meets with such organizations and listens to their views and suggestions and informs them of his mandate and plan. In those meetings the non-governmental organizations have expressed strong support for the High Commissioner's activities. In Geneva, the High Commissioner maintains close contact with non-governmental organizations.

XIV. CONCLUSIONS

117. The United Nations High Commissioner for Human Rights has sought during the first six months of his mandate to open avenues of action for the United Nations human rights programme in keeping within his mandate. Priority areas have been the promotion of international cooperation in human rights and strengthening coordination within the United Nations system; responding to serious situations of human rights violations; acting to prevent violations of human rights from becoming serious or widespread; strengthening advisory services and technical assistance in the field of human rights; assisting countries in transition to democracy; combating discrimination; and promoting the realization of the right to development, human rights education, the equal status and rights of women, the rights of the child and the rights of minorities and indigenous people. An important instrument in all those areas has been the dialogue with Governments to strengthen national protection of human rights and seek support for the High Commissioner's own activities and the United Nations human rights programme in general.

118. The activities of the High Commissioner in dealing with serious violations and in preventive action have been widely welcomed. His appeals with regard to specific problems or cases have been heard and his actions have contributed to creating a new basis for continuing dialogue on human rights problems and helped to strengthen the willingness of the various actors to deal constructively with human rights issues. Further, the dialogue of the High Commissioner with Governments has consolidated the determination of States to assist and support the United Nations human rights programme and the Office of the High Commissioner. In addition, the support of regional and national institutions and of the non-governmental organization and academic communities has been enhanced and the awareness in public opinion of human rights issues has been increased. Both within the international community and the United Nations system the possibilities for cooperation and coordination of human rights activities have been enhanced and new perspectives opened.

119. Difficulties have been encountered, but the growing support of the Member States and the increased responsiveness of the United Nations give good reason to hope that future challenges will be met swiftly and efficiently.

120. The potential of the mandate of the High Commissioner to contribute to an improvement in the enjoyment of human rights for people throughout the world by mobilizing the commitment of Governments, international organizations, non-governmental organizations and public opinion has been demonstrated. To realize that potential will require that the necessary resources be placed at the disposal of the High Commissioner. The breadth and complexity of the issues the High Commissioner is called upon to deal with require adequate human and financial resources. This is a matter to which the Member States should give the closest consideration. Appropriate resources will help the High Commissioner respond to the expectations of world public opinion for effective action in defence of human rights and success here will not only strengthen the entire human rights programme, but will also serve to heighten support for United Nations activities in other fields.

Notes

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.